




North Dakota State Water Commission

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Agenda

MEMORANDUM

TO: Governor John Hoeven
North Dakota Water Commission Members

FROM:  Dale L. Frink
State Engineer

SUBJECT: Financial Updates

DATE: May 17, 2010

1. Agency Program Budget Expenditures

Attached is an expenditure spreadsheet for the biennium through March 31, 2010. With only two special line items, Administrative and Support Services and Water and Atmospheric Resources Expenditures our legislatively approved budget does not contain specific amounts for Salaries, Operations, and Grants and Contracts. In order to manage the Division's budgets we have allocated dollar amounts to each of these categories similarly to previous biennium, however, division managers have the ability to shift dollars from one category to another.

The Contract Fund spreadsheet provides information on the committed and uncommitted funds from the Resources Trust Fund, the Water Development Trust Fund and General Fund project dollars. The attached Contract Fund spreadsheet shows approved projects totaling \$188,321,024 leaving a balance of \$9,506,375 available to commit to projects.

2. 2009-11 Resources Trust Fund and Water Development Trust Fund Revenues

Oil extraction tax deposits into the Resources Trust Fund total \$42,983,047 and are currently \$4,142,094 or 10.7 percent above budgeted revenues. The April revenue, received in May, was \$2 million above budget.

Deposits into the Water Development Trust Fund total \$9,367,589 and are currently \$505,679 or 5.1 percent below budgeted revenues. Our next scheduled payment into the Water Development Trust Fund is in April 2011.

**STATE WATER COMMISSION
ALLOCATED PROGRAM EXPENDITURES
FOR THE PERIOD ENDED MARCH 31, 2010
BIENNIUM COMPLETE: 38%**

PROGRAM	SALARIES/ BENEFITS	OPERATING EXPENSES	GRANTS & CONTRACTS	17-May-10 PROGRAM TOTALS
ADMINISTRATION				
Allocated	1,812,056	1,212,732		3,024,788
Expended	648,340	344,781		993,121
	36%	28%		33%
			Funding Source:	
			General Fund:	958,438
			Federal Fund:	34,683
			Special Fund:	0
PLANNING AND EDUCATION				
Allocated	1,192,175	208,511	99,000	1,499,686
Expended	429,738	52,443	35,079	517,260
Percent	36%	25%	35%	34%
			Funding Source:	
			General Fund:	412,051
			Federal Fund:	67,843
			Special Fund:	37,366
WATER APPROPRIATION				
Allocated	3,633,879	483,162	1,078,935	5,195,976
Expended	1,299,071	140,059	142,613	1,581,743
Percent	36%	29%	13%	30%
			Funding Source:	
			General Fund:	1,438,630
			Federal Fund:	0
			Special Fund:	143,113
WATER DEVELOPMENT				
Allocated	5,041,486	4,837,457	225,000	10,103,943
Expended	1,781,575	1,674,540	193,745	3,649,859
Percent	35%	35%	86%	36%
			Funding Source:	
			General Fund:	1,636,118
			Federal Fund:	1,061,933
			Special Fund:	951,808
STATEWIDE WATER PROJECTS				
Allocated			203,185,070	203,185,070
Expended			24,072,356	24,072,356
Percent			12%	12%
			Funding Source:	
			General Fund:	0
			Federal Fund:	0
			Special Fund:	24,072,356
ATMOSPHERIC RESOURCE				
Allocated	854,950	712,830	4,694,692	6,262,472
Expended	312,062	138,184	433,660	883,905
Percent	37%	19%	9%	14%
			Funding Source:	
			General Fund:	260,702
			Federal Fund:	0
			Special Fund:	623,204
SOUTHWEST PIPELINE				
Allocated	400,498	1,665,314	37,556,958	39,622,770
Expended	144,583	719,956	2,711,910	3,576,449
Percent	36%	43%	7%	9%
			Funding Source:	
			General Fund:	0
			Federal Fund:	128,573
			Special Fund:	3,447,875
NORTHWEST AREA WATER SUPPLY				
Allocated	530,958	6,229,700	50,289,114	57,049,772
Expended	159,657	1,530,550	11,297,159	12,987,366
Percent	30%	25%	22%	23%
			Funding Source:	
			General Fund:	0
			Federal Fund:	7,517,718
			Special Fund:	5,469,647
PROGRAM TOTALS				
Allocated	13,466,002	15,349,706	297,128,769	325,944,477
Expended	4,775,025	4,600,513	38,886,522	48,262,059
Percent	35%	30%	13%	15%
FUNDING SOURCE:	ALLOCATION	EXPENDITURES	REVENUE	
GENERAL FUND	14,124,223	4,705,938	GENERAL FUND:	148,662
FEDERAL FUND	67,070,358	8,810,751	FEDERAL FUND:	8,493,440
SPECIAL FUND	244,749,896	34,745,370	SPECIAL FUND:	32,634,389
TOTAL	325,944,477	48,262,059	TOTAL:	41,276,491

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 BIENNIUM**

Mar-10

	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
CITY FLOOD CONTROL					
FARGO/RIDGEWOOD	2,084,750	2,084,750	2,033,809	0	50,941
FARGO	45,000,000	45,000,000	0	0	45,000,000
FARGO/MOOREHEAD STUDY	300,000	300,000	0	0	300,000
GRAFTON	7,175,000	7,175,000	0	0	7,175,000
MRI	37,505,101	37,420,657	5,275,444	84,444	32,145,213
IRRIGATION DEVELOPMENT	1,294,439	294,439	51,411	1,000,000	243,028
GENERAL WATER MANAGEMENT					
OBLIGATED	19,400,875	19,400,875	3,076,488	0	16,324,387
UNOBLIGATED	8,421,931			8,421,931	0
MISSOURI RIVER MANAGEMENT	372,000	372,000	0	0	372,000
FLOOD CONTROL					
BALDHILL DAM	92,832	92,832	0	0	92,832
RENWICK DAM	1,478,190	1,478,190	0	0	1,478,190
UPPER MAPLE RIVER DAM	112,500	112,500	0	0	112,500
RED RIVER WATER SUPPLY	3,000,000	3,000,000	1,007,546	0	1,992,454
DEVILS LAKE					
BASIN DEVELOPMENT	102,000	102,000	11,692	0	90,308
DIKE	25,350,000	25,350,000	2,630,000	0	22,720,000
OUTLET	16,661,325	16,661,325	2,526,423	0	14,134,902
OUTLET OPERATIONS	3,000,000	3,000,000	924,882	0	2,075,118
NELSON COUNTY	636,064	636,064	8,492	0	627,572
WEATHER MODIFICATIONS	225,000	225,000	0	0	225,000
SOUTHWEST PIPELINE PROJECT	14,782,474	14,782,474	3,377,903	0	11,404,571
NORTHWEST AREA WATER SUPPLY	10,832,918	10,832,918	222,237	0	10,610,681
TOTALS	197,827,399	188,321,024	21,146,327	9,506,375	167,174,697

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium**

PROGRAM OBLIGATION

Approve SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Mar-10 Balance
City Flood Control:							
SWC	1927	5000	Fargo/Ridgewood Flood Control Project	6/22/2005	2,084,750	2,033,809	50,941
SWC	1928	5000	Fargo Flood Control Project	6/23/2009	45,000,000	0	45,000,000
SWC	583	5000	Fargo/Moorhead Study	3/29/2010	300,000	0	300,000
SWC	1771	5000	Grafton Flood Control Project	3/11/2010	7,175,000	0	7,175,000
Subtotal City Flood Control					54,559,750	2,033,809	52,525,941
MRI Advances:							
SWC	2373-04	5000	Lakota WS (Tri-Co WD)	7/17/2007	118,135	0	118,135
	2373-09	5000	South Central RWD (Phase II)	6/23/2008	2,350,000	0	2,350,000
	2373-13	5000	All Seasons Rural Water - (Upham)	7/17/2007	128,000	34,839	93,161
	2373-15	5000	North Central Rural Water Consortium (S. Benson Co.)	12/7/2007	916,000	25,759	890,241
	2373-15	5000	North Central Rural Water Consortium (Anamoose/Ber)	6/23/2008	3,295,000	0	3,295,000
	2373-27	5000	Trail Regional Rural Water (Phase I)	1/25/2008	3,167,000	2,439,192	727,808
	2373-16	5000	Trail Regional Rural Water (Phase II)	6/23/2008	2,137,748	1,218,834	918,914
	2373-24	5000	Trail Regional Rural Water (Phase III)	8/18/2009	1,300,000	239,297	1,060,703
MRI Grants:							
	2373-19	5000	City of Washburn Water Supply	4/28/2009	1,500,000	443,269	1,056,731
	2373-17	5000	City of Parshall	6/23/2008	1,666,774	219,067	1,447,707
	2373-18	5000	Ray-Tioga Water Supply	12/17/2008	4,200,000	459,909	3,740,091
	2373-25	5000	McKenzie Phase II	6/23/2009	1,500,000	0	1,500,000
	2373-28	5000	McKenzie Phase IV	3/11/2010	3,500,000	0	3,500,000
	2373-26	5000	Valley City Water Treatment Plant	8/18/2009	9,200,000	0	9,200,000
HB No. 1305 Permanent Oil Tax Trust Fund							
	2373-21	5000	Burke, Divide, Williams Water District	6/23/2009	985,000	62,887	922,113
	2373-22	5000	Ray & Tioga Water Supply Association	6/23/2009	864,000	98,552	765,448
	2373-23	5000	City of Wildrose	6/23/2009	593,000	33,838	559,162
Subtotal MRI					37,420,657	5,275,444	32,145,213
Irrigation Development:							
SWC	1389	5000	BND AgPace Program	10/23/2001	194,439	26,411	168,028
SWC	AOC/IRA	5000	ND Irrigation Association	7/20/2009	100,000	25,000	75,000
Subtotal Irrigation Development					294,439	51,411	243,028
General Water Management							
Hydrologic Investigations:					880,000		
SWC	862	3000	Aletta Herman	4/7/2008	1,100	1,100	0
	1400/7	3000	Houston Engineering Water Permit Application Review	4/2/2009	1,584	800	784
	1400/8	3000	Houston Engineering Water Permit Application Review	6/2/2009	7,500	7,473	27
	1400/9	3000	Houston Engineering Water Permit Application Review	1/1/2010	6,500	6,386	115
	1690	3000	Mary Lou McDaniel	5/6/2009	1,733	1,733	0
	1703	3000	Neil Flaten	4/7/2008	2,087	2,087	(0)
	1707	3000	Neil Flaten	4/7/2008	1,615	1,615	(0)
	1714	3000	David Robbins	5/7/2009	593	593	0
	1761	3000	Gloria Roth	5/6/2009	525	525	0
	1761	3000	Fran Dobits	4/7/2008	837	837	0
	1393	3000	US Geological Survey, US Dept. Of Interior StreamSta	7/16/2009	39,008	8,670	30,338
	1395A	3000	US Geological Survey, US Dept. Of Interior Stream Ga	11/12/2009	381,980	95,495	286,485
	1395	3000	US Geological Survey, US Dept. Of Interior Water Qua	10/21/2009	13,205	0	13,205
	1395D	3000	US Geological Survey, US Dept. Of Interior Eaton Irri	10/1/2009	15,300	15,300	0
Hydrologic Investigations Obligations Subtotal					63,082	31,818	31,263
Remaining Hydrologic Investigations Authority					816,919		
Hydrologic Investigations Authority Less Payments							
General Projects Obligated					17,994,349	2,407,348	15,587,001
General Projects Completed					526,526	526,526	0
Subtotal General Water Management					19,400,875	3,076,488	16,324,387

STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium

PROGRAM OBLIGATION

Approve SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Mar-10 Balance
Missour River Management:							
SWC	1943	5000	Missouri River Siltation Assessment Study	10/12/2006	30,000	0	30,000
SWC	1963	5000	Beaver Bay Embankment Feasibility Study	8/10/2009	342,000	0	342,000
Subtotal					372,000	0	372,000
Flood Control:							
SWC	300	5000	Baldhill Dam Flood Pool Raise	4/30/1998	92,832	0	92,832
SWC	849	5000	Renwick Dam Rehabilitation	6/23/2008	1,478,190	0	1,478,190
SWC	1878-02	5000	Upper Maple River Dam Project Dev & Preliminary Eng	9/29/2008	112,500	0	112,500
Subtotal Flood Control					1,683,522	0	1,683,522
SWC	1912	5000	Red River Valley Water Supply Project - GDCD	3/17/2008	3,000,000	1,007,546	1,992,454
Subtotal					3,000,000	1,007,546	1,992,454
Devils Lake Basin Development:							
SWC	416-01	5000	2009-11 Devils Lake Basin Joint Water Resource Man.	6/23/2009	60,000	0	60,000
SWC	416-02	5000	City of Devils Lake Levee System Extension & Raise	12/6/2002	25,350,000	2,630,000	22,720,000
SWC	416-05	2000	2009-11 Devils Lake Outlet Awareness Manager	6/23/2009	42,000	11,692	30,308
SWC	416-07	5000	Devils Lake Outlet	2/20/2002	16,661,325	2,526,423	14,134,902
SWC	416-10	4700	Devils Lake Outlet Operations	8/18/2009	3,000,000	924,882	2,075,118
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment Drain	8/30/2005	620,711	8,492	612,219
SWC	1131*	5000	Nelson County Central Hamlin Rural Flood Control	9/17/2009	8,940	0	8,940
SWC	1131	5000	Nelson County Channel Maintenance & Misc	9/17/2009	6,413	0	6,413
Devils Lake Subtotal					45,749,389	6,101,489	39,647,900
SWC		7600	Weather Modification	7/1/2009	225,000	0	225,000
SWC	1736	8000	Southwest Pipeline Project	7/1/2009	14,782,474	3,377,903	11,404,571
SWC	2374	9000	Northwest Area Water Supply	7/1/2009	10,832,918	222,237	10,610,681
TOTAL					188,321,024	21,146,327	167,174,697

STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund

GENERAL PROJECT OBLIGATIONS

Approved SWC				Initial	Total	Total	Mar-10
By	No	Dept		Approved Date	Approved	Payments	Balance
SWC	249	5000	2009 Mott Dam Emergency Action Plan	6/23/2009	25,000	0	25,000
SE	269	5000	2010 Fordville Dam Emergency Action Plan/GF CO.	3/3/2010	9,600	0	9,600
SWC	281	5000	2007-09 Three Affiliated Tribes/Fort Berthold Irrigation Study	3/23/2009	80,000	0	80,000
SWC	322	5000	2009-11 Red River Basin Mapping Initiative/Tri-College LIDAR	6/23/2009	300,000	200,000	100,000
SWC	322	5000	2009-11 Long-Term Red River Flood Control Solutions Study	6/23/2009	500,000	69,112	430,888
SWC	322	5000	ND Water: A Century of Challenge	2/22/2010	34,300	0	34,300
SWC	327	5000	2009-11 White Earth Dam EAP	8/18/2009	25,000	0	25,000
SE	353	5000	2009-11 Cedar Lake Dam, Emergency Action Plan	7/15/2009	9,600	0	9,600
SE	394	5000	2007-09 Odland Dam Spillway Rehabilitation	8/25/2008	16,700	0	16,700
SWC	528	5000	2009 McGregor Dam Emergency Action Plan	6/23/2009	25,000	0	25,000
SE	560	5000	2009 Blacktail Dam Emergency Action Plan	5/28/2009	9,600	0	9,600
SE	568	5000	2008 Sheyenne River Snagging & Clearing Project	4/11/2008	5,000	0	5,000
SWC	568	5000	2009-11 Southeast Cass WRD Sheyenne River Snagging & Clearing Project	12/11/2009	165,000	0	165,000
SWC	568	5000	2009-11 Richland Co. Sheyenne River Snagging & Clearing Project	12/11/2009	47,500	0	47,500
SWC	568	5000	2009-11 Richland Co. Sheyenne River Snagging & Clearing Project	3/11/2010	47,500	0	47,500
SWC	568	5000	2009-11 SE Cass Sheyenne River Snagging & Clearing	3/11/2010	175,473	0	175,473
SE	586	5000	2009 Short Creek Dam Emergency Action Plan	5/28/2009	9,600	0	9,600
SWC	620	5000	2008 Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SWC	642-05	5000	2007-09 Sweetbriar Creek Dam Project	3/6/2009	683,400	50,296	633,104
SWC	660	5000	2009-11 City of Manan - Lower Heart River Bank Stabilization	12/11/2009	63,808	0	63,808
SE	662	5000	2009 WCWRD'S Park River Snagging & Clearing Project	6/30/2009	1,948	0	1,948
SWC	847	5000	Maple River - Retention Study Rush River Joint WRD	8/15/2002	25,000	0	25,000
SWC	847	5000	2007-09 Swan Creek FC Diversion Ditch	6/23/2008	1,640,992	965,239	675,753
SE	847	5000	2009-11 Swan Buffalo Detention Dam No. 5 Emergency Action Plan	7/20/2009	20,000	0	20,000
SE	847	5000	2009-11 Swan Buffalo Detention Dam No. 8 Emergency Action Plan	8/7/2009	20,000	0	20,000
SE	847	5000	2009-11 Swan-Buffero Detention Dam No. 12 Emergency Action Plan	10/18/2009	20,000	0	20,000
SE	847	5000	2009-11 Absaraka Dam Safety Analysis	8/31/2009	5,719	0	5,719
SWC	847	5000	2009-11 Swan Creek Diversion Channel Improvement Reconstruction	12/11/2009	76,528	0	76,528
SE	870	5000	2009-11 Crown Butte Dam Emergency Action Plan	7/10/2009	9,600	0	9,600
SWC	928/988/1	5000	2008 Southeast Cass WRD Bois, Wild Rice, & Antelope	6/23/2008	60,000	0	60,000
SE	985	5000	2009 Kolding Dam Emergency Action Plan	5/29/2009	9,600	0	9,600
SWC	1068	5000	2009-11 Cass County Drain No. 12 Improvement Reconstruction	8/18/2009	500,000	0	500,000
SWC	1069	5000	2009-11 Cass County Drain No. 13 Improvement Reconstruction	8/18/2009	145,472	0	145,472
SWC	1070	5000	2009-11 Cass County Drain No. 14 Improvement Recon	8/18/2009	500,000	0	500,000
SWC	1080	5000	2007-09 Cass County Drain No. 27 Improvement Recon	10/24/2007	94,197	0	94,197
SWC	1088	5000	2009-11 Cass County Drain No. 37 Improvement Recon	8/18/2009	158,535	0	158,535
SWC	1093	5000	2008 Cass Co. Drain No. 45 Extension Project	3/17/2008	150,800	0	150,800
SWC	1140	5000	Pembina County Drain No 11 Outlet Improvement	9/21/2009	70,846	0	70,846
SWC	1155	5000	2008 Pembina Co. Drain No. 42 Partial Impr.Recon.	3/17/2008	11,386	0	11,386
SWC	1176	5000	2008 Richland Co. Drain No. 2 Partial Improvement Recon.	3/17/2008	5,791	0	5,791
SWC	1180	5000	2009-11 Richland Co. Drain No. 7 Improvement Reconstruction	3/11/2010	130,681	0	130,681
SWC	1232	5000	2009-11 Traill Co. Drain No. 13 Channel Extension Project	8/18/2009	23,575	0	23,575
SWC	1244	5000	2009-11 Traill Co. Drain No. 27 (Moen) Reconstruction & Extension	3/11/2010	500,000	0	500,000
SWC	1249	5000	2008 Traill Co. Drain No. 34 Partial Improvement Recon	3/17/2008	255,629	107,601	148,028
SWC	1289	5000	2007-09 Noxious Weed McKenzie County -Sovereign	10/24/2007	7,247	0	7,247
SWC	1299	5000	200911 City of Lisbon's Mapping & Survey for FEMA Buyouts	3/29/2010	30,000	0	30,000
SWC	1313	5000	2009-11 City of Minot/Ward Co. Aerial Photo & LIDAR	3/11/2010	186,780	0	186,780
SWC	1328	5000	2007 Cass Co. Drain No. 23 Area Improvement	7/17/2007	35,980	0	35,980
SWC	1331	5000	2009-11 Richland Co. Drain No. 14 Improvement Reconstruction	3/11/2010	183,364	0	183,364
SWC	1344	5000	2009-11 Southeast Cass Sheyenne River Diversion Low Flow Channel Improven	3/11/2010	1,557,600	0	1,557,600
SWC	1378	5000	2007-11 Barnes Co. Clausen Springs Dam Construction Repair	12/11/2009	1,300,000	0	1,300,000
SE	1382	5000	2009-11Camel Butte Dam Emergency Action Plan	7/24/2009	9,600	0	9,600
SWC	1401	5000	International Boundary Roadway Dike Pembina	9/21/2009	260,238	0	260,238
SWC	1413	5000	2009 TCWRD Buffalo Coulee Snagging & Clearing Project	6/23/2009	49,000	7,501	41,499
SWC	1431	5000	2009-11 US Geological Survey, DOI Report Describing Peak Discharge Periods	8/5/2009	20,000	0	20,000
SWC	1431	5000	2009-11 US Geological Survey - Supplemental Flood Info	3/11/2010	25,000	0	25,000
SWC	1438	5000	2008 Mulberry Creek Drain Partial Improv Phase II	3/17/2008	46,816	23,029	23,787
SWC	1444	5000	2009-11 City of Pembina's Flood Control FEMA Levee Certification	3/11/2010	27,156	0	27,156
SWC	1461	5000	2009-11 Pembina River Bank Stabilization Project	3/11/2010	64,383	0	64,383
SE	1471	5000	2009-11 Erie Dam Emergency Action Plan	7/24/2009	20,000	0	20,000
SWC	1509	5000	2009-11 Sheyenne River Watershed Flood Water Detention Study	7/20/2009	75,000	0	75,000
SE	1515	5000	2009-11 US Geological Survey - monitoring gages Cottonwood Creek Dam	10/18/2009	8,260	0	8,260
SWC	1523	5000	2008 Souris River Golf Course Area Bank Stabilization	9/29/2008	31,612	0	31,612
SE	1535	5000	2009-2011 Lake Agassiz Resource Conservation & Development Council - Soil E	2/22/2010	1,000	0	1,000
SE	1556	5000	2009 Indian Creek Dam Emergency Action Plan	5/28/2009	9,600	0	9,600
SWC	1577	5000	2009-11 Hazen Flood Control Levee (1517) & FEMA Accreditation	3/11/2010	567,700	0	567,700
SWC	1591	5000	Revision of Handbook ND Water Managers Proj	4/12/2007	14,750	0	14,750
SE	1625	5000	High Water Mark Delineation Methods & Guidelines	10/24/2007	54,048	0	54,048
SWC	1625	5000	OHWM Delineations MT/ND Border Yellowstone & Missouri	10/29/2008	75,000	0	75,000
SE	1625	5000	2009-11 Missouri River Contract - Environmental Service Bartlett & West	9/21/2009	5,900	0	5,900
SE	1625	5000	2009-11 Sovereign Lands Rules - ND Game & Fish	2/23/2010	10,000	2,175	7,825
SWC	1638	5000	2009-11 Red River Basin Non-NRCS Rural/Farmstead Ring Dike Program	6/23/2009	800,000	207,161	592,839
SWC	1657	5000	2009-11 City of Enderlin's Flood Control FEMA Levee Certification	3/11/2010	100,578	0	100,578
SWC	1667	5000	2009-11 Traill County Goose River Snagging & Clearing Project	12/11/2009	46,500	0	46,500
SWC	1705	5000	2009-11 Red River Basin Flood Control Coordinator Position	7/24/2009	36,000	0	36,000
SWC	1751-06	5000	2009-11 Southeast Cass WRD/Flood Imagery Project	1/18/2010	30,014	0	30,014
SWC	1785	5000	2009-11 Maple River Dam EAP	8/18/2009	25,000	0	25,000
SE	1785	5000	2009-11 Sweetbriar Dam EAP	2/17/2010	15,200	0	15,200
SWC	1792	5000	2009-11 SE Cass Wild Rice River Dam Study Phase II	12/11/2009	130,000	0	130,000

STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund

GENERAL PROJECT OBLIGATIONS

Approved SWC				Initial			Mar-10
By	No	Dept		Approved Date	Total Approved	Total Payments	Balance
SE	1808	5000	2009-11 Beaver Creek Dam Emergency Action Plan	7/14/2009	20,000	0	20,000
SE	1842	5000	2009-11 SCWRD Wild Rice River Snagging & Clearing	5/28/2009	20,000	15,669	4,331
SWC	1842	5000	2009-10 SCWRD Wild Rice River Snagging & Clearing	12/11/2009	115,000	0	115,000
SWC	1842	5000	2009 Richland Co. Sheyenne River & Wild Rice River Snagging & Clearing	12/11/2009	39,500	0	39,500
SWC	1859	5000	2009-11 Section NPS 319 ND Health Dept	8/18/2009	200,000	0	200,000
SWC	18502	5000	(2008) Drought Disaster Livestock Water Supply	5/14/2008	571,747	157,134	414,613
SWC	1921	5000	Square Butte Dam No. 6/Recreational Facility	3/23/2009	882,030	0	882,030
SWC	1934	5000	2007-08 Traill County WRD Elm River Snagging	12/7/2007	24,500	0	24,500
SWC	1934	5000	2009 Elm River Snagging & Clearing Project Trial	12/5/2008	3,266	0	3,266
SWC	1941	5000	Walsh County Assessment Drain 4A Construction	9/21/2009	81,594	0	81,594
SWC	1942	5000	Walsh County Assessment Drain 10, 10-1, 10-2	9/21/2009	273,056	235,789	37,267
SE	1943	5000	2009-11 Missouri River/Oahe Delta Flood Hazard Mitigation Evaluation Project	8/10/2009	12,000	0	12,000
SWC	1948	5000	2008 Cass Co. Drain No. 67 Construction Project	3/25/2008	334,250	180,100	154,150
SWC	1951	5000	2007-09 Lynchburg-Buffalo Drain Improvement	8/31/2009	1,000,000	11,474	988,526
SWC	1953	5000	2009-11 Walsh County Drain No. 73 Construction Project	8/18/2009	96,990	0	96,990
SWC	1960	5000	2009-11 Puppy Dog Flood Control Drain Construction	8/18/2009	796,976	0	796,976
SE	1961	5000	2009-11 Pembina County Drain No. 69 Extension Construction Project	8/10/2009	7,793	0	7,793
SWC	1964	5000	2009-11 Hydraulic Effects of Rock Wedges Study- UND	11/12/2009	50,000	0	50,000
SWC	1965	5000	2009-11 ND Silver Jackets Team Charter & Action Plan	11/12/2009	75,000	5,160	69,840
SWC	1131*	5000	Nelson County Central-Hamlin Rural Flood	9/17/2009	47,020	37,541	9,479
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment	8/30/2005	311,696	0	311,696
SE	PBS	5000	2009-11 PBS Documentary on Soil Salinity/Lake Agassiz RC & D	1/29/2010	1,000	0	1,000
SE	AOC/ARB	5000	2009-11 NDSU Dept of Soil Science - NDAWN Center	3/8/2010	6,000	3,000	3,000
SWC	AOC/RRB	5000	2009-11 Red River Basin Commission Contractor	7/1/2009	200,000	100,000	100,000
SWC	AOC/WEF	5000	2009-11 North Dakota Water Magazine	7/20/2009	36,000	9,000	27,000
SE	AOC/WEF	5000	2010 Summer Water Tours Sponsorship	3/1/2010	2,500	2,500	0
SE	AOC/WRD	5000	2010 Water Managers Handbook	3/22/2010	16,500	0	16,500
SWC	CON/WIL	5000	2009-11 Will & Carlson Consulting Contract	8/24/2009	70,000	11,227	58,773
SE	PS/WRD/I	5000	Missouri River Joint Water Board, Start up	12/5/2008	14,829	0	14,829
SE	PS/WRD/I	5000	Missouri River Joint Water Board (MRRIC) T. FLECK	6/30/2009	20,000	6,141	13,859
SE	PS/WRD/I	5000	2009-11 Upper Sheyenne River WRB Administration	7/10/2009	12,000	500	11,500
TOTAL					17,994,349	2,407,348	15,587,001

STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund

COMPLETED GENERAL PROJECTS

Approvec SWC			Initial			Mar-10	
By	No	Dept	Approved Date	Total Approved	Total Payments	Balance	
SE	420	5000	2009 Mirror Lake Dam Safety Repair	10/14/2009	12,220	11,887	333
SE	420	5000	Mirror Lake One-Foot Pool Raise	9/17/2009	18,281	18,281	0
SE	450	5000	2007-09 Sykeston Dam 2008 Emergency Action Plan	11/25/2008	7,840	7,839	1
SWC	568	5000	2009 Sheyenne River Snagging & Clearing Project	12/5/2008	135,000	75,085	59,915
SWC	571	5000	2009-11 Oak Creek Bank Stabilization Project	8/18/2009	33,250	25,365	7,885
SWC	576	5000	2009-11 City of Mandan - Missouri River Emergency Bank Stabilization	12/11/2009	33,429	33,370	59
SE	671	5000	2007-09 Harvey Dam 2008 Emergency Action Plan	11/25/2008	7,840	7,837	3
SWC	988	5000	Southeast Cass WRD Antelope Creek Eng Feas	10/12/2006	40,000	40,000	0
SWC	1084	5000	2008 Cass Co. Drain No. 32 Partial Improvement Recon	3/17/2008	68,538	13,150	55,388
SWC	1238	5000	2009-11 Traill County Drain No. 19 Legal/Ext Outlet	8/18/2009	46,187	46,187	0
SWC	1334	5000	Traill County Drain No. 38 Reconstruction	6/30/2009	57,631	0	57,631
SE	1378	5000	2009-11 Clausen Springs Dam Incremental Risk Assessment Report	12/22/2009	9,179	9,179	0
SE	1378	5000	2009-11 Clausen Springs Dam Feasibility Study of Improvement Options	12/10/2009	7,921	7,921	0
SE	1378	5000	2009-11 Clausen Springs Dam Emergency Watershed & Dam Hydraulics Repor	8/31/2009	9,418	9,418	0
SWC	1403	5000	2009-11 ND Water Resources Research Institute Fellowship Program	12/11/2009	13,850	13,850	0
SWC	1461	5000	2008 Pembina River Area Bank Stabilization Project	12/5/2008	24,307	0	24,307
SWC	1572	5000	Burnt Creek Floodway Diversion Channel	4/30/2008	121,091	112,637	8,454
SE	1849	5000	2008 Tongue River Diversion Channel Rock Project	11/25/2008	19,087	17,994	1,093
SWC	1869	5000	2008 McDowell Dam Emergency Action Plan	9/29/2008	25,000	25,000	0
SE	1921	5000	2009 Square Butte Dam No. 6/Emergency Action Plan	3/9/2009	16,000	11,040	4,960
SWC	1936	5000	Nash Drain Extension Construction Proj	10/12/2006	19,913	14,399	5,514
SWC	1947	5000	Cass County Drain No. 62, Maple River WRD	4/30/2008	39,787	3,687	36,100
SWC	1950	5000	2008 Cypress Creek Drain No. 2 Construction	6/23/2008	22,400	22,400	0
TOTAL					788,169	526,526	261,643



North Dakota State Water Commission

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MEMORANDUM

Agenda E 2)

TO: Governor John Hoeven
Members of the State Water Commission

FROM: *DLF* Dale L. Frink, State Engineer

SUBJECT: NDSWC Cost-Share Request – [SWC No. 1968]
Garrison Diversion Conservancy District's 2010 McClusky Canal Mile Marker
7.5 Irrigation Project – Phase 1

DATE: May 17, 2010

In their correspondence received May 11, 2010, the Garrison Diversion Conservancy District (GDGD) requested funding assistance for their McClusky Canal 2010 Mile Marker 7.5 Irrigation Project – Phase 1. The Dakota Water Resources Act of 2000 authorizes approximately 24,000 acres of irrigation along the McClusky Canal. Although the Mile Marker 7.5 Irrigation project consists of Phase 1 through Phase 3 irrigating approximately 7,020 acres, the request at this time is only for Phase 1.

According to GDGD's request, the McClusky Canal is a 74-mile long canal designed to transport 1,950 cubic feet of water per second for the irrigation of 250,000 acres, as well as to provide water for municipal and rural systems. Over the last year the District has been determining interest in the project and has selected the 7,020 acre Mile Marker 7.5 irrigation project. The total off farm costs/water delivery infrastructure of Phase 1 through 3 is \$8,907,000 and on farm costs/water application infrastructure is \$6,560,000 for a total project cost of \$15,467,000, not to include operations and maintenance costs.

Per the submitted correspondence, the GDGD is requesting assistance for Phase 1 (Area 8B) located near Turtle Lake to deliver water to 2,210 acres. The design criteria assume that 130 acres of land will be irrigated by one pivot. Intakes and pipes will be sized to deliver water to only 75% of the available acres at one time. The application rate per irrigated acre is 7.0 gallons/minute per acre. The pipeline velocities are designed at less than 5.0 feet/second. Delivery pressure design criteria is 15 pounds/square inch at the end of the pivot with 75% of the pivots operating. USGS elevation quadrangle maps were used to estimate to the total dynamic pumping head required for each intake.

Cost estimates for the project were produced using the above design criteria to size the items of wet wells, pumps, pipelines, controls, pivots, and electrical systems. Off farm facilities include wet wells, pumping plants, controls, pipelines and the primary power supply and bring water from the canal to the edge of their farmers' field. On farm facilities include pipelines, control, fittings and power to the pivots to apply water onto the fields.

DLF/CM:1968

JOHN HOEVEN, GOVERNOR
CHAIRMAN

SWC Meeting - June 1, 2010

DALE L. FRINK
SECRETARY AND STATE ENGINEER

The crop budgets show variability in profitability of irrigated crops that can be grown in the area. Overall profitability will be highly dependent on the mix of crops grown, future commodity prices and the federal farm program. Crop rotations that are exclusively corn, malting barley and alfalfa do not appear to be profitable.

The estimated total cost of Phase 1 is \$4,666,289, of which \$2,621,862 (off farm costs) is considered eligible for 50% cost-share assistance in the amount of \$1,310,931. The on farm ineligible costs amount to \$2,044,427. The eligible amount of \$2,621,862 can be subtotaled to account for the pumping station and canal work in the amount of \$433,300, pipeline work in the amount of \$1,202,256, electrical services of \$747,500, and contingencies of \$239,805.

I recommend that the State Water Commission approve this request by the Garrison Diversion Conservancy District for state cost-share participation in their McClusky Canal Mile Marker 7.5 2010 Irrigation Project, at an amount not to exceed \$1,310,931 from the funds appropriated to the State Water Commission in the 2009-2011 biennium. This approval is subject to the entire contents of the recommendation contained herein and availability of funds.



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May 10, 2010

Dale Frink, State Engineer
State Water Commission
State Office Building
900 East Boulevard
Bismarck, ND 58505



Dear Dale:

The Dakota Water Resources Act of 2000 authorizes approximately 24,000 acres of irrigation along the McClusky Canal. Over the last year, the Garrison Diversion Conservancy District has been canvassing the area to determine interest in the project. Two areas were selected for further study based on the level of interest. The potential irrigable acreage in these two areas is approximately 14,500 acres if everyone participates. Garrison Diversion has selected a 7,000-acre project located north of the McClusky Canal near mile marker 7.5 as the preferred project to implement first.

The total cost for the water delivery system to these 7,000 acres is estimated to be \$8.8 million or approximately \$1,255 per acre. In addition to these costs, the irrigator must finance and install pivots at a cost of approximately \$750 per acre, for a total cost of approximately \$2,000 per acre, which is not considered feasible. Without assistance, only the projects located within one mile of the canal are likely to be developed, and the full potential will not be realized.

According to a report developed by the North Dakota State University titled, *A Reevaluation of Garrison Diversion Unit Irrigation*, development of the authorized area will create up to 403 new jobs in the region and increase business activity by \$7 to \$10 million annually in 1991 dollars. This demonstrates the value to the state to complete this project.

Enclosed with this letter are the cost estimates for development of the first 7,000 acres and an analysis of the profitability of the McClusky Canal MM 7.5 Irrigation Project (Project). Overall profitability will be highly dependent on the mix of crops grown, future commodity prices and the Federal farm program. Crop rotations that include soybean, dry bean or potato are projected to be profitable. Crop rotations that are exclusively corn, malting barley and alfalfa do not appear to be profitable.

Suitability of the soils for irrigation in this area was evaluated using NDSU irrigation guidelines and previous U.S. Bureau of Reclamation land class determinations. The majority of soils in the project area are

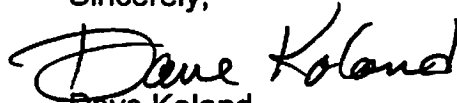
Dale Frink
May 10, 2010
Page 2

irrigable without condition. Some areas were identified that are conditionally irrigable and may required increased management to prevent salt buildup and the potential need for some drainage.

The Project can be broken up into three phases. The total cost of the water delivery features for the first phase is estimated to be \$2.490 million. Garrison Diversion is requesting 50% cost share funding, not to exceed \$1.3 million, to complete the first phase of the Project. This phase will serve approximately 2,200 acres. Garrison Diversion will issue revenue bonds to be paid by the irrigators for the remaining 50%. The costs of the pivots and connection to the water delivery system will be paid for by the potential irrigator with personal financing.

Garrison Diversion respectfully requests that the State Water Commission approve 50% cost share funding, not to exceed \$1.3 million, for the intake, pump station, controls, main transmission pipelines and power grid for the first phase of the Project.

Sincerely,

A handwritten signature in black ink that reads "Dave Koland". The signature is fluid and cursive, with the first name "Dave" and last name "Koland" clearly distinguishable.

Dave Koland
General Manager

DLJ/DK/slg
Enclosures



North Dakota State Water Commission

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Agenda E3)

MEMORANDUM

TO: Governor John Hoeven
Members of the State Water Commission

FROM: *Dale* Dale L. Frink, State Engineer

SUBJECT: NDSWC Cost-Share Request For Additional Funds For Value Engineering
Red River Valley Water Supply Project -[SWC No. 1912]
Continued Development of GDU Import to Sheyenne River Alternative

DATE: May 17, 2010

In their letter received May 11, 2010, the Garrison Diversion Conservancy District (GDCCD) requested additional funding for the value engineering process required by the Bureau of Reclamation for the Red River Valley Water Supply Project (RRVWSP). The preferred RRVWSP alternative the GDCCD is continuing to develop is the GDU to Sheyenne River Import Alternative. The alternative supplements existing eastern North Dakota water supplies to meet future water needs with a combination of the Red River, other North Dakota in-basin sources, and imported Missouri River water.

Although a report to congress in the Fall of 2008 was transmitted by the Secretary of the Interior selecting the GDU import to the Sheyenne River alternative as the proposed project to meet the water needs of the Red River Valley, the U.S. State Department had requested a delay in signing the Record of Decision (ROD) until discussions with Canada concluded. Following the ROD, congressional authorization is needed to implement the project. The ROD date and the congressional authorization decision date for the use of the Missouri River is unknown at this time.

Per their submitted correspondence, the GDCCD plans to have completed the preliminary design of the system, with the exception of field delineation of wetlands and groundwater monitoring by June 2010 with documents equating to a level that represents 30% design. Several value judgments were made by GDCCD as those documents were developed. In some cases decisions increased the project costs and some decreased costs. Consequently, GDCCD feels this is the appropriate time to undertake a value engineering process on the project.

The value engineering process is a systematic method to improve the "value" of goods or products and services by using an examination of function. Value, as defined, is the ratio of function to cost. Either improving the function or reducing the cost can therefore increase value. It is a primary tenet of value engineering that basic functions be preserved and not be reduced as a consequence of pursuing value improvements. Value engineering is specifically spelled out in Public Law 104-106 requiring each executive agency to establish and maintain cost-effective value engineering procedures and processes.

DLF/CM: 1912

JOHN HOEVEN, GOVERNOR
CHAIRMAN

SWC Meeting – June 1, 2010

DALE L. FRINK
SECRETARY AND STATE ENGINEER

The entire project (GDU import to Sheyenne River alternative) is estimated to cost \$700 million (2006) to implement and does not take into account any operation, maintenance, or repairs. The continued development costs (eligible) are estimated at \$4,465,000 and consists of six major planning efforts and the value engineering process described here. The State Water Commission to date has approved to provide cost-share assistance at 90% of the incurred costs, up to the total approved amount of \$4,000,000 (\$1,800,000 was approved on March 17, 2008 and \$2,200,000 was approved on June 23, 2009) without the ROD on file.

GDCD is again requesting 90% (\$200,000), of the total estimated cost (\$220,000) to complete the value engineering process and to surpass the amount of \$4,000,000 to \$4,200,000 without the ROD on file. The process involves defining the review desired, selecting a review team, a 30-45 day review, development of recommendations, and review of responses to recommendations.

I recommend the State Water Commission approve this request by the Garrison Diversion Conservancy District for additional state cost-share participation for the value engineering process required of the Red River Valley Water Supply Project, at an amount not to exceed \$200,000, reimbursed at 90% and without the ROD on file. This approval is subject to the entire contents of the recommendation contained herein and the availability of funds appropriated to the State Water Commission in the 2009-2011 biennium.



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May 7, 2010

Dale Frink, State Engineer
State Water Commission
State Office Building
900 East Boulevard
Bismarck, ND 58505

Dear Dale:

In 2009, the North Dakota State Water Commission approved funding to complete further planning and preliminary design of the Red River Valley Water Supply Project. By the end of June, this effort will be completed with the exception of field delineation of wetlands and groundwater monitoring. At this point, all the documents will be completed to a level that represents 30% design.

Although we have coordinated with the federal and state agencies, and other stakeholders on the major issues, there have been several value judgments made by the Garrison Diversion Conservancy District as these documents were developed. In some cases, these decisions increased the cost of the project, and in others, they decreased the cost.

The next major effort will be the final design process, which should be a technical, quality-controlled engineering process with few changes to the general scope. Thus, it is important to have full concurrence from the agencies and stakeholders that the decisions made up to the 30% design will provide the best value for the project. Therefore, this is the appropriate time to complete a value engineering study on the project. A value engineering process will not only provide a good review but is also required by the Bureau of Reclamation on a project of this size.

The value engineering process is estimated to cost \$220,000 and must be accomplished by a certified value specialist in order to satisfy Reclamation's requirements. The process typically involves the following steps:

- Defining the review desired
- Selecting a review team
- Providing the documents for a 30-45 day review by the team
- Meeting for one week to develop recommendations to the owner
- Owner response to the recommendations

The Garrison Diversion Conservancy District respectfully requests the State Water Commission approve a 90% cost share funding, not to exceed \$200,000, to complete a value engineering study on the Red River Valley Water Supply Project transmission pipeline design.

Sincerely,

Dave Koland
General Manager

DLJ/DK/slg





North Dakota State Water Commission

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Agenda E-4

MEMORANDUM

TO: Governor John Hoeven
Members of the State Water Commission

FROM: *Dale* Dale L. Frink, State Engineer

SUBJECT: NDSWC Conditional Cost-Share Request for Additional Funds
Michigan Spillway RFC Assessment Drain Construction {SWC No. 1932}

DATE: May 17, 2010

The Nelson County Water Resource District (District) is requesting additional state cost-share assistance for the construction of a rural flood control assessment drain, which is referred to as the Michigan Spillway Project, in an effort to address ongoing high water levels in the areas to the north and northwest of the City of Michigan.

Like other areas in the Devils Lake Basin, north-central Nelson County continues to fight problems associated with long-term high water levels. These high water levels are inundating many acres of agricultural land, flooding both roadways and railroads in the area, and causing drainage issues for the City of Michigan.

The District had originally planned on installing a gravity system which would drain the flood waters into Dry Run Creek through Sarnia Dam and eventually on into the Middle Branch Forest River upstream of Matejcek Dam. Because of concerns that the gravity drain would allow for the movement of carp from the Forest River into the Devils Lake Basin, an area which is free of carp, it was determined that a gravity drain would not be permissible.

Through discussions with the North Dakota Game and Fish Department it was decided that a system which utilizes pumping as a means of moving the water, rather than an open ditch gravity system, would be the only way to insure that carp were not allowed access to the Devils Lake Basin via this project.

There is another, existing drain in this area known as the Enterprise Drain which uses three pumps for a combined total output of 27 cfs which also moves water to a point on Dry Run Creek. Though Enterprise Drain can pump a total of 27 cfs when there is adequate head at the pump site, usually the system is limited to only being able to operate 2 of the 3 pumps for a flow rate of 18 cfs because of an inadequate pumping reservoir. Couple the inefficient reservoir with worn out pumps plus the fact that both Enterprise Drain and the proposed Michigan Spillway Project gravity system are moving water to the same location, it was decided to reroute the project in such a way as to combine the new Michigan Spillway Project with the older Enterprise Drain and install a new larger pump station capable of pumping 50 cfs. Making this change would address both the issue of utilizing a pump to keep carp out of

DLF/JP/CM:1932

NDSWC Meeting – June 1, 2010

the Devils Lake Basin as well as both updating and upsizing the pumping capacity of the existing drainage from the area. This also eliminates the need and costs associated with operating and maintaining two pumping stations that are moving water to the same location downstream, thereby making the best use of both the County and State's limited financial resources.

The proposed new route will be located in Sections 34, 35, 26, 23, and 13, Township 154 North, Range 59 West (Enterprise Township) and Sections 18, 19, and 20, Township 154 North, Range 58 West (Sarnia Township) all in Nelson County. The project will utilize a gravity feed ditch that moves the water to the pumping station located in the NE1/4 Section 23, Township 154 North, Range 59 West after which it will again flow by gravity to where it outlets into Dry Run Creek, a tributary of the Middle Branch Forest River in the SE1/4 of Section 20 in Sarnia Township.

The constructed drain will be 8.1 miles long with a drainage area of 35,400 acres. It will be constructed with a maximum cut of 22 feet, 3:1 sideslopes with 4:1 along roadsides, and a 12 to 16 foot bottom width. The project work consists of 402,000 cubic yards of excavation, 1588 feet of corrugated metal pipe for road crossings and field drains, 1700 feet of 71" x 47" CMP at a location just upstream of the pump station to accommodate several approaches for an adjacent farmstead, and a canal gate will be placed in the culvert between Sections 26 and 35 to serve as a control structure. The District will also acquire a buffer 100 foot wide on either side of the channel.

According to a phone conversation with the District's engineer on May 14, 2010, there are some revisions being made to the plans that were submitted with the drain application because of issues with field laterals downstream of the pump station. He mentioned the possible need for more excavation in this reach as well and that the new plans would be sent in as soon as they were complete.

As per the agreement with Walsh County the flow from this new Michigan Spillway Project along with any future project that would take water from Hove Slough in Walsh County will be limited to total combined capacity of 50 cfs.

Application to Drain No. 3519 is currently being reviewed by Water Commission staff after which time it will be sent to the District who, because this project has been determined to be of both statewide and interdistrict significance, will be required to process it according to the procedure set forth in North Dakota Century Code 61-32-03. This means that a public hearing is required to be held prior to the District's evaluation of the application, which once completed and a decision is made to grant or deny the permit then the State Engineer's Office is also required to evaluate the application.

In 2005 when the project was intended as a gravity system with a total cost of \$919,741 the Water Commission approved cost sharing for a total of \$461,696, of which \$150,000 was to come from funds legislatively earmarked during the 2005 session to assist Nelson County with water-related damages and \$311,696 from the Water Commission contract funds. To date small portions of these funds have been used for project expenses. During the 2007-2009

session the Legislature earmarked an additional \$500,000 specifically for the Michigan Spillway Project.

Because of a large rainfall event that caused additional flooding the District applied for and obtained an Emergency Drain License in 2009 in an attempt to lower water levels in the affected area. The District has recently requested cost share assistance for those emergency pumping costs incurred under the emergency license. Those expenses will be covered with the amount remaining from the 2005 legislative funds as they are less restrictive than the most recent funding. Due to the 2005 legislative funds (\$150,000) in the amount of \$112,219 being used to cover the emergency pumping expenses and \$37,781 used for the Michigan Spillway project, the District's total cost share allocation to date is \$849,477.

Because of the need to convert the project from a gravity feed system to a pump system as well as the realignment, the costs for the project have increased from the original \$919,741 to \$2,250,000. Subtracting the \$849,477 already obligated to the District from the updated cost of the project (\$2,250,000) leaves an unfunded balance of \$1,400,523.

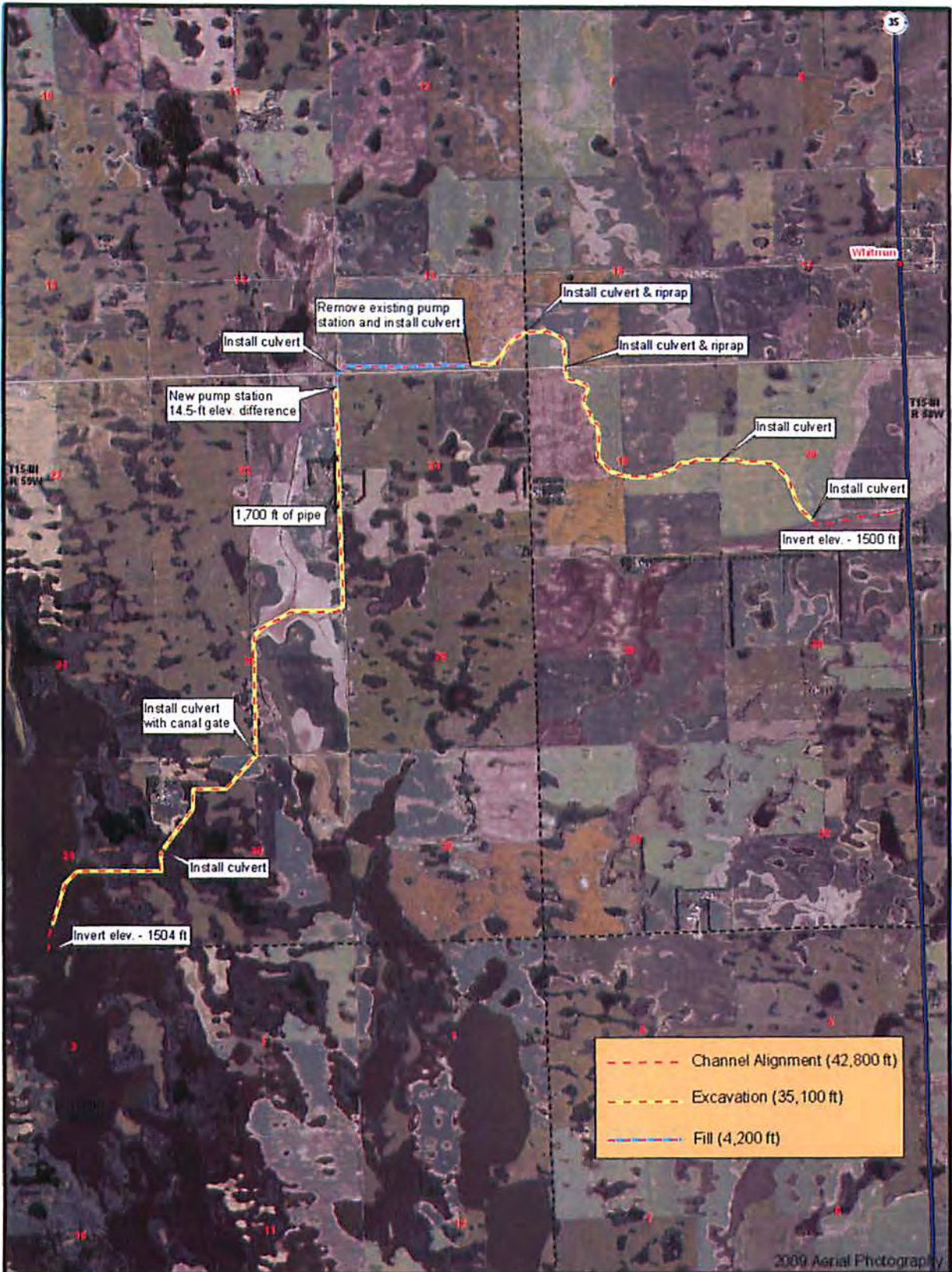
Given the District's lack of available funding caused by the many water-related problems it has had to deal with over the many years of high water levels and the State's concern with keeping invasive species, namely carp, out of the highly valued sport fishery that is Devils Lake it is suggested that Nelson County be responsible for \$662,219 of the project costs and the state for the remaining \$1,587,781 totaling the estimated project cost of \$2,250,000.

Given the state has already allocated \$311,696 from the contract funds obligated to the Commission in the 2005-2007 biennium and \$537,781 from legislative earmarks, the balance currently being sought by the District is \$738,304 to sum the state's obligation of \$1,587,781. The state's obligation of \$1,587,781 will be paid out at 100% for legal, land, administration, and financial services from the \$537,781 legislative earmarked funds, and the remaining contract fund amount of \$1,050,000 (\$311,696 and \$738,304) paid out at 50% on all other project costs (construction and engineering).

Therefore, I recommend that the State Water Commission approve this request by the Nelson County Water Resource District for state cost share participation in the District's Michigan Spillway Project for an additional \$738,304 from the contract funds obligated to the Commission in the 2009-2011 biennium which when added to previous allocations will be a total not to exceed \$1,587,781. This approval is subject to the entire contents of the recommendation contained herein, issuance of the drain permit, attainment of a positive assessment vote, receipt and approval of the project's final design, and availability of funds.

REVISED COST ESTIMATE
MICHIGAN SPILLWAY PROJECT
NELSON COUNTY
18-Mar-10

<u>ITEM DESCRIPTION</u>		<u>2010 ESTIMATE</u>
BOND		\$5,000.00
CLEAR & GRUB		\$10,000.00
CHANNEL EXCAVATION		\$1,056,272.00
GATED FIELD DRAINS		\$21,000.00
CORR. MTL. PIPE	1588 FEET	\$119,100.00
CORR. MTL ENDS	700 X 17	\$11,900.00
CANAL GATE		\$3,000.00
PUMP STATION		\$310,000.00
SEEDING		\$22,800.00
GRAVEL SURFACE		\$10,000.00
LOOSE ROCK RIPRAP	\$30 P.YD.	\$45,000.00
MOBILIZATION		\$22,500.00
SUBTOTAL		\$1,636,572.00
DESIGN ENGINEERING		\$82,500.00
POWER TO PUMPSTATION		\$150,000.00
CONSTRUCTION SURVEY/INSF.		\$75,860.00
LAND ACQUISITION		\$193,000.00
LEGAL & ADMN		\$65,500.00
ESTIMATED COST		\$2,203,432.00
additional culvert/auto control switch pkg. for pump station		\$46,568.00
Emergency Pumping Work		\$100,000.00
Total		\$2,350,000.00



Application to Drain No. 3519
Michigan Spillway Project
Nelson County WRD



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
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MEMORANDUM

Agenda E5)

TO: Governor John Hoeven
Members of the State Water Commission

FROM: *Dale* Dale L. Frink, State Engineer

SUBJECT: NDSWC Project Proposal (SWC No. 1966)
**City of Oxbow's 2010 Construction of a Non-Federal Permanent Emergency
Flood Fight Barrier System**

DATE: May 17, 2010

In their correspondence received May 10, 2010, the City of Oxbow requested state cost-share assistance for the construction of a non-federal permanent emergency flood fight barrier system for Oxbow. According to Jim Nyhof, City Mayor, the project has been identified as a necessity for the safety of the City residents by limiting the measures needed to fight a flood. The low-lying areas within the City around the golf course allow floodwater to penetrate into the City.

The proposed project consists of constructing permanent embankments and control structures (the two basic features of an emergency flood barrier system) within the City to help fight the Red River during a flood to prevent or minimize damages to public and private property. Typically, flood fighting barrier systems, either temporary or permanent, are constructed when it is not feasible to protect entire communities due to economic considerations. Consequently, evacuation of certain areas may be a necessary facet of the City's emergency flood fight operation.

The City of Oxbow is adjacent to the Red River and is known for its golf course residential area and park system. The proposed embankments will be constructed on open ground (Highway 81 and Riverbend Road), between houses (Schnell Drive), and between existing high ground (Golf Course) cutting off flows through low lying areas within the City. The areas identified are located in Sections 13 and 24, Pleasant Township, Cass County. Per the submitted Construction Permit application (engineering plans not submitted), the project, including any area inundated as result of the project, will be located entirely on land owned by the City. Therefore, land rights and associated costs should not be incurred.

The construction of these embankments is not intended to remove the residents of Oxbow from the floodplain, but to cut down on the amount of temporary measures required of the City in a flood fight. Due to the limited resources of the City, the cost of constructing a flood control levee system that can be accredited by FEMA for flood insurance purposes is not feasible. Therefore, costs can be saved by not designing and constructing a levee system as described per 44 CFR 65.10. The embankments between the houses will enable the homeowners to tie in their temporary sandbag lines into these embankments and the City and Country Club will work jointly to make longer stretches of high ground on the golf course by filling in gaps.

Per the request, the short distances of embankment will total a length of 5,600 feet with a maximum height of 918 msl and minimum 916 msl, a top width of 10 feet and side slopes of 4:1. Where feasible, the embankments will be constructed to the 100-year flood level. Turf will be established for erosion. Although the benefited properties will not be assessed for the cost of the project, it is expected that the City will be responsible for the daily maintenance, preservation of the design elevation, and completion of major repairs. Final design of the project is anticipated to be complete by May of 2010 and construction completed by the fall of 2010.

In standard levee design the foundation soils and available materials generally dictate the configuration of the levee. As with an emergency flood barrier system, the embankment should be compatible with foundation soils but generally does not require costly analyses as information from local officials/engineers/entities can be utilized. Embankment height should provide two feet freeboard above forecast flood crest and in urban areas, the upstream end of the project should use a larger freeboard than the downstream end. Sandbag dikes should not be considered as a part of the primary flood barrier system as they are costly, require a tremendous amount of manpower, and are time consuming to construct. High river stages often disrupt the normal drainage of sanitary and storm sewer systems and a reasonable plan for interior drainage treatment must be considered.

Problem situations that arise during a flood fight are varied and innumerable. It would be impossible to enumerate all of the problems, such as supplies, personnel, communication, etc., which field personnel must handle. That being noted, those problems that are considered most critical to the flood fight barrier system are overtopping, seepage, sandboils, erosion, and problems with storm and sanitary sewers.

The engineering plans have not been submitted and the construction permit is on hold until the plans are received. Conditional approval is reserved for rural flood control projects facilitating the attainment of a positive assessment vote. It is noted that the proposed project is subject to change pending engineering plans that could again require Commission approval. Thus an exception to allow conditional approval is not sound. Project agreements are only drafted upon issuance of all required Federal, state, and local permits and receipt of the project's final engineering design.

Without engineering plans and specifications and other project information (i.e., operations and maintenance, interior drainage plan, land rights) it is difficult to comprehend all project features and function, consider requirements and to justify, if any, exceptions to policy without a thorough evaluation. The Commission's cost-share policy states that legal services, land purchases, engineering services, and administrative expenses are not eligible for state cost-share assistance. In lieu of engineering services again (engineering prior to 1995 was not eligible) named ineligible for projects submitted after July 1, 2009, cost-share reimbursement for flood related construction projects was increased from 50 to 60%. Exceptions may be granted for generally accepted reasons or extenuating circumstances.

The estimated total cost of the project is \$440,000, of which \$314,000 is considered eligible for as a permanent emergency flood fight barrier system at 60%, for a potential cost-share approval amount not to exceed \$188,400 in state funds. The ineligible amount of \$126,000 consists of the soil analysis (\$13,000), engineering services (\$36,000), legal and administrative costs (\$2,000), and the right-of-way (\$75,000). According to the Construction Permit, all land to be built on and/or inundated is owned by the City. Further project information will be needed to clarify land needs.

The potential eligible amount of \$314,000 consists of all of the construction costs to construct Reach 1 (Golf Course), Reach 2 (Highway 81 and Riverbed Road), and Reach 3 (Schnell Drive) comprising the barrier system. An estimated total amount of 10,000 cubic yards of embankment; 12,000 cubic yards of excavation; 22,000 cubic yards of topsoil stripping; seeding; 18" and 30" culvert installation; trees removed and replaced; yard restorations; installation of 18" flood control structures and 30" sluice gates; and 240 linear feet of 6" PVC yard drain are the construction line items.

The State Engineer recommends the City of Oxbow's Non-federal Permanent Emergency Flood Fight Barrier System be evaluated by the Cost-Share Policy Committee at their scheduled June 1, 2010 morning meeting. Committee comments, suggestions, advice, and guidance regarding the project will be presented to the State Water Commission during the afternoon scheduled meeting.

City of Oxbow

Jim Nyhof, Mayor
Greg Anderson, City Council
Ardin Breimeier, City Council
Bill Kuzas, City Council
Frank Pearson, City Council
Pam Twedt, Auditor

May 7, 2010

Dale Frink
State Engineer
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

Dear Mr. Frink:

Re: City of Oxbow Flood Control Improvements
Pleasant Township, Cass County, North Dakota

The City of Oxbow respectfully requests cost share assistance and permitting for the above referenced flood control project. The project will consist of constructing levees and control structures within the City. The levees will be constructed up to the 100-year flood level and beyond where feasible. A temporary contingency line will be identified where levees cannot be constructed. This flood control project is intended to help contain the Red River and restrict flood flows from penetrating within the residential developments.

This project has been identified as a necessity to maintain the integrity and safety of our citizens by limiting the measures needed to fight a flood. However, the limited resources of the City is a concern in the realization of this project and resulted in a dialogue with NDSWC to determine what funding would be available to the City. As a result of these discussions the SWC has requested that the City resubmit our application for consideration of funding.

Attached is the cost share request form, a detailed cost estimate, general layout, plan view maps for the proposed levees, and a construction application. If you have any questions, please feel free to contact me or our project engineer, Kyle Volk, Moore Engineering, Inc (701-499-5861).

Sincerely,

City of Oxbow


Jim Nyhof
Mayor

Enclosures





moore engineering, inc.

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May 7, 2010

Dale Frink
State Engineer
North Dakota State Water Commission
900 East Boulevard Avenue, Dept. 770
Bismarck, ND 58505-0850

Dear Mr. Frink:

Re: City of Oxbow Flood Control Improvements
Pleasant Township, Cass County, North Dakota

The City of Oxbow has proposed a Flood Control Project within their City limits to help with their flood fight plan. This proposed project includes the construction of levees on open ground (i.e. Highway 81 and Riverbend Road), between houses (Schnell Drive), and between existing high ground to form longer continuous high ridges of protection (Golf Course). The construction of these levees is not intended to remove the residents of Oxbow from the floodplain, but to cut down on the amount of temporary measures required to protect the City in a flood fight.

These levees will be constructed where temporary measures have been used in previous years flood fights. The levees between the houses will enable the home owners to tie in their temporary sandbag lines of protection into these levees. The levee on the City side of Highway 81's ditch will prevent water from looping around the west side of Oxbow and Hickson and coming back across the Highway into the City. Along Riverbend Road the levee would be mainly constructed on Park District property which is adjacent to the Red River. The City and Oxbow Country Club would work jointly to make longer stretches of high ground on the golf course by filling in existing gaps between high ground on the course.

The design of the levees would be such that they have a minimum of a 10' top and minimum side slope of 4:1. A geotechnical analysis has been completed in the City with this design section and was based on multiple borings at two locations within the City. This analysis shows no major changes in soil stability with the addition of the proposed levees.

If you have any additional questions concerning this project please feel free to contact me at 701-499-5861 or by email at kvolk@mooreengineeringinc.com.

Sincerely,

Moore Engineering, Inc.

Kyle Volk, PE
Design Engineer

KV/bk
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ND STATE WATER COMMISSION

Project Information and Cost-Share Request Form

This form is to be filled out by the project or program sponsor, with SWC staff assistance as needed. Upon receipt of a request form, the information will be reviewed and added to the state's proposed project/program database. It will serve as the formal cost-share request to the North Dakota State Water Commission. For assistance, please contact the SWC Planning and Education Division at (701) 328-4989.

Please answer the questions as completely as possible. Supporting documents such as maps and engineering reports should be attached to this form. If additional space is required, please use extra sheets as necessary. (An electronic version of the form can be provided on a disk or emailed upon request).

1. Project, program, or study name:
City of Oxbow Flood Control Improvements
2. Sponsor(s):
Oxbow, City of
3. Location: (county; section-township-range etc. and provide a map if possible)
Sections 13 & 24 of Pleasant Township, Cass County, North Dakota.
4. Description of request: ☒ new ☐ update(previously submitted) ☐ maintenance
5. Specific needs addressed by the project, program, or study:
 - a. If study, what type:
☐ Water Supply ☐ Hydrologic ☐ Floodplain Management ☐ Feasibility
☐ Other
Please explain the above checked item: _____
 - b. If project:

<input checked="" type="checkbox"/> Flood Control	<input type="checkbox"/> Snagging & Clearing	<input type="checkbox"/> Drainage
<input type="checkbox"/> Recreation	<input type="checkbox"/> Bank Stabilization	<input type="checkbox"/> Water Supply
<input type="checkbox"/> Channel Improv.	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Water Quality/Habitat
<input type="checkbox"/> Other	<input type="checkbox"/> Multi-Purpose	

Please explain each above checked item:
The project will help contain flooding from the Red River by cutting off flows through low lying areas within the City of Oxbow.
 - c. If program, please explain: _____
6. Jurisdictions/Stakeholders involved:
City of Oxbow; Southeast Cass Water Resource District
7. Description of problem or need:
The low lying areas within the City of Oxbow and around the golf course which allow flood waters to penetrate into the city and flood surrounding homes.
8. Has a feasibility study been completed?: ☐ yes ☐ no ☐ ongoing ☒ not applicable
9. Has engineering design been completed?: ☐ yes ☐ no ☒ ongoing ☐ not applicable
10. Have land or easements been acquired?: ☐ yes ☐ no ☒ ongoing ☐ not applicable

11. Permits required for project or program implementation and status:

a. Federal: ☐ Section 404 ☐ other ☐ uncertain ☒ not applicable

List federal permits applied for: _____

List federal permits approved: _____

b. State: ☒ construction ☐ water use ☐ drainage ☐ other ☐ not applicable

List state permits applied for: _____

List state permits approved: _____

c. Local: ☐ zoning ☐ floodplain development ☐ other ☒ not applicable

List local permits applied for: _____

List local permits approved: _____

d. Do not know what permits are required: _____

12. Level of public review project or program has undergone:

The flood control project was requested by the City of Oxbow to alleviate their overall flood threat and has been discussed at city council meetings.

13. Do you expect any significant obstacles to implementation/construction (i.e., problems with land acquisition, permits, funding, local opposition, environmental concerns, etc.)?

No.

14. Estimated project or program total implementation costs: \$ 440,000

15. Funding sources (Total need):

	cash	in-kind
Federal	\$ <u>0</u>	\$ <u>0</u>
State	\$ <u>197,600</u>	\$ <u>0</u>
Local	\$ <u>242,400</u>	\$ <u>0</u>
Other	\$ <u>0</u>	\$ <u>0</u>

16. Funding timeline (carefully consider when SWC cost-share will be needed):

Source	2001-2003 7/1/01-6/30/03	2003-2005 7/1/03-6/30/05	2005-2007 7/1/05-6/30/07	2007-2009 7/1/07-6/30/09	2009-2011 7/1/09-6/30/11	Beyond 6/30/11
Federal	\$	\$	\$	\$	\$0	\$
State	\$	\$	\$	\$	\$197,600	\$
Local	\$	\$	\$	\$	\$242,400	\$
Total	\$	\$	\$	\$	\$440,000	\$

17. Please explain implementation timelines, considering all phases and their current status:

December 2010 – SWC Funding Request

February 2010 – Final Design of the Project

Spring 2010 – Award Construction Contract

Fall 2010 – Construction Complete

18. Have assessment districts been formed?: ☐ yes ☐ no ☒ ongoing ☐ not applicable

Submitted by: Jim Nyhof Mayor, City of Oxbow May 7, 2010

(name)

(title)

(date)

Address and Telephone: 821 River Bend Rd. Oxbow, ND 58047 (701) 361-4479

For State Water Commission Use

Date Received: / / Date Reviewed by SWC staff: / /

SWC staff doing review: _____

SWC Action Taken: Approved ☐ Not Approved ☐ Other ☐ Reason: _____



North Dakota State Water Commission

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Agenda F1

MEMORANDUM

TO: Governor John Hoeven
Members of the State Water Commission
FROM: *[Signature]* Dale L. Frink, State Engineer
SUBJECT: City of Parshall Water Supply – Additional State Funding
DATE: May 13, 2010

On June 23, 2008, the State Water Commission approved \$1,750,000 for the City of Parshall to construct a new intake on Lake Sakakawea and a new treatment plant. The city of Parshall and the Three Affiliated Tribes are working on a new joint project for the northeast quadrant of the reservation and eastern Mountrail County. The original cost estimate of the Parshall portion was \$12 million, with \$8.5 million of federal funds and \$3.5 million of local funds. The City and Commission split the non-federal requirement.

The bids came in higher than estimated and the new estimate is \$13,370,000. The City did receive another \$863,000 of federal funds leaving a difference of \$507,000. The City is requesting a 50-50 cost-share in \$253,500 additional funding from the State Water Commission.

It is recommended that the City of Parshall be approved for an additional \$253,500, for a total grant, up to \$2,003,500, from the State Water Commission Contract Fund. The funding is in the form of a 50% grant of the non-federal share towards eligible costs, contingent on available funding, subject to future revisions, and the project follows the federal MR&I program requirements.

DLF:DK:jnm/237-03